IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 3062 OF 2002

IN

SUIT NO. 4097 OF 1990

Anil alias ganesh Janardan Gawde .....**Plffs.**
vs.
Rajendra janardan Gavde awnd ors. .....**Defnds.**

Y.V. Divekar i/b. Divekar and Co. for the plffs.

O.S. Kutty a/w. S.B. Deshpande for defendant no.8.

S.A. Vichare, Representative of Court Receiver present.

CORAM: S.U. KAMDAR, J.

DATE : 6th October, 2005.

P.C. :.

1. By the present motion the applicant which is the bank are in occupation and possession of the premises and sought a relief that they should be allowed to put shutter in front of the safe deposit locks. Secondly it has been sought that the electricity meter is required to be changed from three phase from single phase. Thirdly they should

be permitted to put air-conditioners in their premises.

2. Learned counsel for the plaintiff contends that the lease has already expired and that the bank has filed appropriate proceedings inrespect of the said premises before the rent court. However court Receiver is in possession and he has been appointed as Receiver in the present proceedings and the Receiver having declined to grant permission the bank has approached this court. In my opinion the aforesaid reliefs can be granted subject to certain terms as under:

3. Firstly the bank is permitted to put a shutter on their own cost and expenses but without damaging the construction of the premises.

4. Secondly if the electricity meter is required to be changed to three phase then the same is permitted to be done subject to giving necessary undertaking that they will not in any manner damage the suit structure and do so after obtaining

necessary permission from the relevant authorities.

5. Thirdly the bank is permitted to put air-conditioners being window A.C. by removing the grills and after the A.C. is fitted put the grills back. In an event if the A.C. cannot be fixed in the existing window the bank is permitted to fit split A.C. In case the grills are removed by the bank then they will give an undertaking that they will restore the grill back in the window at the time of vacating the said premises. The aforesaid undertaking is to be filed with the Court Receiver within two weeks and no work to be commenced pursuant to the present order unless the undertaking as mentioned above is filed by the bank. Motion disposed off accordingly. No order as to costs.

sd/-

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